

USAWC STRATEGY RESEARCH PROJECT

Engaging India and Pakistan: Resolving Conflict and Establishing Trust Through an Aerial
Observation Confidence and Security Building Measure

by

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ABSTRACT

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United States engagement in the South Asian region over the last fifty-five years can best be characterized as sporadic and zero sum at best. Generally, the U.S. saw both Pakistan and India as relevant, although minor, actors during the Cold War; however, any favoritism in the form of military or financial assistance shown to one nation was typically met with a corresponding decrease in diplomatic influence with the other. This quandary only served to frustrate U.S. diplomatic efforts in the region and led to a policy of engagement only when immediate U.S. interests were threatened.

Surprisingly, the events of September 11 may have provided a unique opportunity to change the status quo and create greater regional stability in South Asia. Both India and Pakistan have publicly denounced terrorist activities, and Pakistan has backed up its rhetoric through its valuable support for U.S. military operations in Afghanistan. Similarly, India has been relatively reserved in its typical condemnation of Pakistani support of terrorist operations in Kashmir and has acted with remarkable restraint following the December 2001 bombing of the Indian Parliament, allegedly by Pakistani supported terrorist groups.

This Strategy Research Project (SRP) explains why the U.S. should take advantage of this rare opportunity to reengage itself in South Asia. It demonstrates how successful diplomatic efforts to resolve the Kashmir dispute will not only benefit the U.S. in its ongoing global war on terrorism, but could also ensure long-term regional stability throughout the region. The SRP first identifies and describes the major source of conflict between the two nations – the dispute over Kashmir. Second, it addresses the core disagreements and mutual suspicions and analyzes why prior peace attempts have failed. Third, it provides a logical argument why it would be in the best interests of Pakistan and India to pursue a stable relationship. Fourth, this paper lists

possible U.S. diplomatic alternatives, and fifth, a recommendation for the adoption of a confidence and security building measure is proposed. Specifically, a no notice overflight regime similar to the existing Open Skies Treaty currently in force and executed by twenty-seven North American and European nations.

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ENGAGING INDIA AND PAKISTAN: RESOLVING CONFLICT AND ESTABLISHING TRUST THROUGH AN AERIAL OBSERVATION CONFIDENCE AND SECURITY BUILDING MEASURE

INTRODUCTION

Since gaining independence from British colonial rule in 1947, a bitterly hostile relationship between India and Pakistan has ensued. This relationship has endured three wars, a continuing and bloody dispute over Kashmir, and the recent development and testing of nuclear weapons and delivery systems that has exacerbated regional instability. Unfortunately, the conflict's tragic consequences has diverted focus from more pressing domestic requirements and both nation's have squandered precious resources badly needed for economic and social development. Although Pakistan has flirted with democracy over its relatively brief history, it has been unable to free itself from military dictatorships and is facing an Islamic fundamentalist movement from within its borders that could potentially reverse the moderate political and economic gains it has achieved to date. Conversely, India has enjoyed a secular and stable democratic government that has been remarkably resilient; however, in spite of impressive economic growth during the 1990's, greater economic reforms are needed in order to compete in the global market and attract foreign capital investments and business ventures.

United States engagement in the South Asian region over the last fifty-five years can best be characterized as sporadic and "zero-sum" at best. Generally, the U.S. government saw both Pakistan and India as relevant, although minor, actors during the Cold War; however, any favoritism in the form of military or financial assistance shown to one nation was typically met with a corresponding decrease in diplomatic influence with the other.¹ This quandary only served to frustrate U.S. diplomatic efforts in the region and led to a policy of engagement only when immediate U.S. interests were threatened. The policy adequately served its purpose during and immediately following the Cold War, but a dramatic change of events occurred in 1998 when both nations conducted nuclear weapons tests. This forced the U.S. to reconsider its approach to South Asia. No longer would the conflict between India and Pakistan be considered limited to the region, and their willingness to aggressively pursue nuclear weapons programs, especially in light of international non-proliferation sentiments, received the attention of the world community. Unfortunately, attempts by the Clinton administration to bring Pakistan and India to the peace table were thwarted by the continuing dispute over Kashmir and the respective claims of illegitimate rule and covert terrorist support.

Surprisingly, the events of September 11 may have provided a unique opportunity to change the status quo and create greater regional stability in South Asia. Both India and Pakistan have publicly denounced terrorist activities, and the Pakistani government has backed up its rhetoric through its invaluable support for U.S. military operations in Afghanistan. Similarly, India has been relatively reserved in its typical condemnation of alleged Pakistani support of terrorist operations in Kashmir and acted with remarkable restraint following the December 2001 bombing of the Indian Parliament.

This paper explains why the U.S. should take advantage of this rare opportunity to reengage itself in South Asia. It demonstrates how successful diplomatic efforts to resolve the Kashmir dispute will not only benefit the U.S. in its ongoing global war on terrorism, but could also ensure long-term regional stability throughout the region. The paper first identifies and describes the major source of conflict between the two nations – the dispute over Kashmir. Second, it addresses core disagreements and mutual suspicions, and the paper then analyzes why prior peace attempts have failed. Third, it provides a logical argument why it would be in the best interest of both Pakistan and India to pursue a stable relationship. Fourth, the paper lists alternatives that could potentially lay the groundwork for an eventual peace, and fifth, a recommendation for the adoption of a confidence and security building measure is proposed and analyzed. Specifically, a limited notice aerial observation regime similar to the existing Open Skies Treaty currently being executed by twenty-seven North American and European nations.

THE KASHMIR DISPUTE

HISTORY

The conflict over Kashmir dates back to the beginnings of India and Pakistan as independent nations. Following the British partition in 1947, the Hindu ruler of the so-called princely state of Kashmir was left on his own accord to choose accession to Pakistan or India. In spite of the larger Muslim population in the region, the Hindu Maharaja chose India. This decision immediately led to the first of two wars over the territory. A Pakistani-supported invasion threatened the ruler's realm and was eventually stopped by Indian forces, but not before Pakistan had succeeded in occupying one-third of Kashmir forming a line-of-control (LOC) that divides the region today. Eventually, India referred the dispute to the United Nations (UN) who brokered a cease-fire that brought the fighting to a close in 1949. The terms of the agreement included a series of resolutions that called for a three-stage approach to Kashmir:

early withdrawal of all forces, a free and fair plebiscite, and an interim government.² These resolutions, particularly the call for a plebiscite, form the basis for Pakistani claims of Indian illegitimacy and establish the legal argument from which Pakistan insists upon an Indian withdrawal.

The second Kashmir war was fought to a stalemate in 1965 when Pakistan, which was concerned that India's occupation was gaining international acceptance, mistakenly construed that the time was right for a rebellion by local militants within Kashmir. The Pakistani government hoped that an attack by its forces would encourage the Kashmiri Muslim population to revolt. Unfortunately for Pakistan, the revolt never came and the seventeen-day war ended once again with a U.N. sponsored cease-fire that only served to reinforce the status quo.

A third war was fought, although not over Kashmir, in 1971 when India supported the succession of an independent Bangladesh from Pakistan. After India soundly defeated Pakistan, both countries entered into the Simla Accord (signed in the border town of Simla) which states that India and Pakistan will "settle their differences by peaceful means through bilateral negotiations."³ For India, this agreement negated the U.N. resolutions and turned Kashmir into strictly a bilateral issue. An outcome preferred by India in order to diffuse long-standing Pakistani calls for international resolution of the conflict. For Pakistan, Simla merely added another twist to the conflict and by no means nullified the existing U.N. resolutions.⁴

While overt cross border conflict remained sporadic following the Simla agreement, tensions within Indian controlled Kashmir steadily grew. Facing economic stagnation, an increase in Islamic fundamentalism, and dissatisfaction over India's unwillingness to include Kashmiri's in the political process, Pakistani supported pro-independence groups revolted against Kashmiri rule in 1988. Heavy-handed measures taken by India to put down the revolt only fueled even greater dissent. By the mid-1990's, 250,000 Indian security forces were fighting 5,000 Kashmiri militants comprised of indigenous groups and imported Islamic fundamentalists both trained and equipped by Pakistan.⁵

Ironically, it was not Kashmir, but the threat of nuclear war that presented an opportunity for dialogue between the two nations. Prospects for peace were never closer than in February 1999 when both the Prime Ministers of India and Pakistan met in Lahore, Pakistan and agreed on a number of security and confidence building measures. While reducing the threat of nuclear exchange was the primary focus of the meeting, the two prime ministers also discussed Kashmir and appeared to be on the verge of an agreement that would have likely entailed Indian and Pakistani recognition of the LOC as the permanent border.⁶ Unfortunately, in an obvious attempt to undermine the agreement, in May 1999 Pakistan's Chief of Army Staff

General Pervez Musharraf ordered the infiltration of regular army and militants across the LOC and they occupied a high ground area near Kargil in Indian Kashmir. India responded by launching a major military offensive to oust the Pakistani forces and after sustaining large casualties, threatened to carry the battle into Pakistan. In turn, Pakistan threatened the use of nuclear weapons. All out war was narrowly averted through President William Clinton's direct mediation and Pakistan's acceptance of India's insistence for the unconditional withdrawal of all Pakistani forces.⁷ General Musharraf's mischievous pursuits did not end at Kargil. In October 1999, and with the solid backing of the Pakistani army, Musharraf overthrew then Pakistani Prime Minister Sharif and declared himself President of Pakistan.

KASHMIR TODAY

Although Pakistan officially admits to only providing Kashmiri militants with political and moral support,⁸ there is little doubt internationally that the government of Pakistan aggressively pursued a proxy war in Kashmir during the 1990's by supplying financial, training and military assistance, and refuge to Kashmiri and non-Kashmiri Islamic extremists. Recognizing that Pakistan's conventional military is no match for India's forces, its strategy has been to make the economic, political, and military costs of controlling Kashmir too high for India in hopes of integrating Kashmir into Pakistan, or at least separating it from India.⁹ However, faced with international diplomatic pressure, particularly by the U.S., in June 2002 Musharraf agreed to put a stop to cross-border infiltration by militants into Indian Kashmir and dismantle militant training camps within Pakistan.¹⁰ While it is still too early to determine if President Musharraf, or any subsequent government, will live up to his agreement, there are some indications that he is clamping down on terrorist groups within his own borders. Recent arrests of Al Qaeda operatives and Taliban who have crossed into Pakistan from Afghanistan, and the outlawing of selected Islamic extremist groups has pleased U.S. officials; however, only time will tell if Musharraf is truly committed to eradicating terrorists, or just temporarily taking advantage of U.S. financial and political generosity.

Although India's response to Pakistani de-escalation gestures has been guarded, it too has taken some measures to reduce tensions. For example, it recalled its naval vessels patrolling Pakistani coastal waters, has allowed Pakistan to use its airspace, and named an ambassador to Islamabad (India recalled all of its diplomats from Pakistan following the 1999 Kargil incident). There are, however, limits to India's trust and it is unlikely that India will pull back troops from the LOC until it is satisfied that Pakistani supported infiltration has ceased.¹¹

For India, its reservations are based upon Musharraf's history of broken promises and deeply routed suspicions about Pakistan's willingness to peacefully resolve the Kashmiri dispute.

WHY PRIOR PEACE ATTEMPTS HAVE FAILED

Before alternatives for peace can be explored, it is first important to understand why prior peace attempts have failed. Essentially, differing perspectives and mistrust over the years have formed a deep divide between the two nations. According to the U.S. Congressional Research Service, the longstanding U.S. position on Kashmir has been that "the whole of the former princely state is disputed territory, and the issue must be resolved through bilateral negotiations between India and Pakistan."¹² Unfortunately, history has shown that the differences between these two countries are too great to be settled bilaterally. At the root of the dispute are the opposing perspectives with which each nation views Kashmir. One notable author on the Kashmir conflict states, "India's truth is that the states of Jammu and Kashmir were an integral part of India, and Pakistan's truth is that, on the basis of its Muslim majority population, the state should become part of Pakistan."¹³ In spite of numerous past claims that they desire a peace settlement, both India and Pakistan have never departed from these respective positions. India sees itself, rightly so, as the dominant player in South Asia and Kashmir has become symbolic of that dominance. On the other hand, Pakistan has historically viewed itself as the guardian of Muslim interests in the region and, therefore, has no choice but to continue its support of its Muslim brothers in Kashmir.

Another reason why bilateral negotiations have failed is because of the deeply ingrained level of mistrust between the two. India believes that Pakistan will do whatever it takes to weaken its control and authority in Kashmir.¹⁴ In India's mind, Pakistan's continued support for militant insurgents in spite of their stated denial is proof of Pakistani deception. Pakistan's mistrust of India is founded in the past. Having lost in war with India the eastern section of its country to independence (formerly East Pakistan and now Bangladesh) in 1971, the additional loss of Kashmir would be seen by Pakistan as another defeat by India in concert with her overall plan to absorb all of Pakistan. For this reason, surrendering Kashmir to India would be very difficult for the Pakistani people to accept.

SEIZING AN OPPORTUNITY FOR PEACE

Recognizing that Kashmir is so deeply engrained in Indian and Pakistani perceptions of national interests and self-identity, any plan for a lasting peace must eventually address this issue. Realistically, the prospects for true peace are not promising for the near future. Although

he denies it, India is convinced that Musharraf played an active role in the violent disruptions of the October 2002 general elections that took place in Indian Kashmir.¹⁵ Once again, India's tolerance of Pakistani interventionism appears to be wearing thin. Although some in U.S. political circles argue, as India does, that the U.S. should not deal with a non-democratically elected Pakistani leader, the reality of the situation is that the more immediate objectives of the global war on terrorism necessitates that the U.S. continue its association with Musharraf. This U.S. policy decision has understandably angered many Indian officials who claim that Pakistani support for terrorist organizations in Kashmir is no different than the Taliban support for Al Qaeda. This is one of many issues that the U.S. diplomatic efforts will eventually have to address; however, in order to achieve a long-term South Asian strategy that creates stability within the region, the Kashmir dispute must first be settled.

It is unlikely that the U.S. would ever be able to directly mediate an acceptable solution to the Kashmir problem. As an alternative, the U.S. should consider a long-term and more comprehensive diplomatic approach in order to create the conditions that could eventually lead to a settlement. Ultimately, some measure of trust between Pakistan and India will have to be established before a lasting peace can occur. This will take time. The U.S. can help nurture a cooperative relationship, and eventual trust, by making Pakistan and India understand how each would benefit in the long run if they settle their differences. And if they do not, how the risks of mutual annihilation in a nuclear exchange are unacceptable. In this section, a case will be made that illustrates how India and Pakistan could benefit by settling their grievances, and identifies three alternatives that, with U.S. diplomatic efforts, could help establish the framework for a lasting peace.

PAKISTAN: INTERNAL SECURITY AND ECONOMIC BENEFITS

"For every ten militants who are trained here to fight in Kashmir, one goes and the rest stay in Pakistan to cause trouble."¹⁶

This quote from a former Pakistani Foreign Minister highlights the internal security problem Pakistan is facing today. Ironically, the democratic future of Pakistan may lie in the hands of Musharraf, and if he is not careful, the support he has given to Islamic militants could end up being the instrument of his own demise. Musharraf seems to be aware of this situation and may be using the global war on terrorism as a convenient excuse to clamp down on the more extreme Islamic groups within Pakistan. Since January 2002, Musharraf has arrested over 2,000 "anti-Pakistan" extremists, frozen some Islamic militant groups financial assets, and

outlawed others outright.¹⁷ Additionally, Pakistan is intensifying its attempts to gain greater control over Pakistan's more radical madrassas (Islamic schools). Historically, these madrassas have become training grounds for radical Islamist who have caused trouble in Pakistan and joined the Taliban.¹⁸ In January 2002, Musharraf publicly pledged to "not allow its territory to be used for terrorist activity anywhere in the world, (and that) no organization will be allowed to indulge in terrorism in the name of Kashmir."¹⁹

Musharraf has been able to pursue these militant groups because of his solid standing within the military, Pakistan's most powerful institution. Although he is facing some opposition from groups questioning his political legitimacy and others who are upset with the crackdown on Islamic groups,²⁰ he has convinced 56 percent of Pakistan's population that support for the U.S. war effort is the best way to avoid a hostile alliance between India and the U.S.²¹

Today, Musharraf has a unique opportunity to permanently cease his support of Kashmir insurgents. Since these groups primarily rely on the government for finances and sanctuary, a Musharraf rebuff could prove fatal.²² In fact, there are indications that this may already be taking place. For example, a recent meeting between Kashmiri political groups and Musharraf's regime concluded that Kashmir fighters should represent Kashmiri interests rather than those of Pakistan's and it is expected that Musharraf will call for the people of Kashmir to determine their own future without support from Pakistan.²³

Not only has Pakistan's security been threatened by its support of Islamic extremist against India in Kashmir, but its economy has also suffered. In the 1990's, India spent around 2 percent of its GDP on the military while Pakistan spent almost 5 percent while building a military that is still only half the size of India's.²⁴ The military budget consumes roughly 40 percent of annual government expenditures while 30 percent is spent on servicing its \$38 billion foreign debt.²⁵ This leaves very little for major infrastructure projects, education, and other fundamentals of economic development. Consequently, according to noted author Sumit Ganguly, Musharraf must "improve relations with India – resolve Kashmir- or remain locked in a defense-spending race that, because of India's higher growth rate, significantly larger military, and more diversified industrial base, he cannot hope to win."²⁶ Moreover, the World Bank has also urged the Pakistani government to cut defense expenditures and claimed that, "if regional tensions subsided and the Kashmir dispute was resolved, this would provide a further fiscal cushion for a peace dividend, (however), a new arms race with India could be fiscally disastrous."²⁷

Although Musharraf did inherit an economy in recession, he has had some in righting it by expanding reforms in the areas of income and sales tax collection, trade liberalization, and improving transparency. These reforms have led to a reduction in Pakistan's fiscal deficit, lowering inflation, and increasing exports to a seven-year high.²⁸ This success seems to indicate that Musharraf, unlike prior Pakistani military regimes who accumulated 80 percent of the country's total debt, is committed to real economic expansion and openness to foreign investments. Establishing peace with India would measurably advance these efforts by allowing Musharraf to cut defense spending in favor of growth projects and develop a more secure environment that would be attractive to foreign investors.

The U.S. and international community are providing real assistance to help shore up Pakistan's economy. Most sanctions related to Pakistan's 1998 nuclear test and 1999 military coup were overturned after September 2001. The U.S. has pledged over a billion dollars in assistance and the international community has followed-up with several billion more. Additionally, direct assistance programs for health, education, food, and trade preference have been approved. The U.S. is also encouraging debt rescheduling programs by the World Bank and IMF, and Europe and Japan are following through with similar aid, debt relief, and trade programs.²⁹

These assistance programs are directly attributable to Pakistan's greater role in the global war on terrorism, and they would likely discontinue if Pakistan were to go to war with India. In all likelihood, establishing a real peace with India would generate more long-term international assistance and, coupled with the peace dividend, provide a foundation for real economic growth in Pakistan. This would serve to boost Musharraf's political popularity and solidify greater moderate Pakistani support for his fight against Islamic extremism. Only Musharraf can decide whether or not the long-term security and economic benefits of with peace with India are worth the short-term risk of alienating Islamic extremists within Pakistan; however, the U.S. must do everything in its power diplomatically to encourage him to take this course of action.

INDIA: STRATEGIC INTERESTS AND POLITICAL SURVIVABILITY

The first benefit to India of establishing a lasting peace with Pakistan is strategic in nature. Not satisfied as the dominant regional actor in South Asia, India's national interest is to play a greater role on the world stage. The demise of its former arms source the Soviet Union has forced India to look elsewhere to counter the regional threat of China. While Russia remains its most important military supplier, it can no longer deliver the international support to

which India once relied upon for its policies.³⁰ Consequently, during the late 1990's India began to seek a greater partnership with the U.S. and these advances were well received. High-level visits to India by President Clinton during his last year in office and a reciprocal visit by India's Prime Minister Atal Bihari Vajpayee have been followed up by similar contacts with the Bush administration.

The U.S. incentive for a better partnership with India is in a shared common interest to not allow China to become the single dominant power in Asia.³¹ As clearly the predominant military power in South Asia, India possess the fourth largest army in the world and a capable navy.³² India's strong military provides a welcome counterbalance to China in the region, and both the U.S. and India now recognize the benefits of a stable partnership to their respective national securities.

Just as the prospects for a peaceful and lasting settlement of the Kashmir conflict rests primarily in the hands of Pakistan's President Musharraf, Prime Minister Vajpayee as emerged as the key figure on the Indian side. As the leader of the Bharatiya Janata Party (BJP), currently in power, Vajpayee may be in a position politically to make peace with Pakistan. The failed peace talk at Lahore in 1999, through no fault of Vajpayee, is proof of his willingness to resolve the Kashmir dispute. However, while the long-term benefits will undoubtedly favor India and Vajpayee political future, the short-term does hold some political risk.

Indian politics during the 1990's was dominated by two parties- the BJP and the Congress Party. Neither party has been strong enough to govern without first forming coalitions with smaller regional parties. Consequently, coalition politics has become the norm in India and is likely to continue for some time to come.³³ Having served three separate times as Prime Minister, Vajpayee and his nationalist Hindu BJP hold power by the narrowest of margins over the Congress Party. Traditionally made up of Muslims, lower caste Hindus, and differing ethnic groups, the Congress Party has experienced a decline in support due to recent accusations of corruption and a perceived lack of response to Muslim and lower caste economic and social needs.³⁴ Vajpayee has been able to capitalize on this weakness and has had some marginal success in changing the BJP's image from right wing Hindu fundamentalist to conservative, secular, and moderate.³⁵ However, economics issues are still at the forefront of voters minds as evidenced by the February 2002 BJP defeats in critical state elections where voters were less interested in the BJP's "tough on Pakistan" talk and more interested in economic issues.³⁶

The fragility of the BJP presents three real challenges and opportunities for Vajpayee. First, he must retain the confidence of the Hindu majority while at the same time appeal to non-Hindu voters, particularly India's 120 million Muslim population, in order to sustain a governing

coalition. While resolving the Kashmir dispute could alienate many right-wing Hindu's, there may be an opportunity to make gains with Muslim voters by demonstrating a willingness to establish peace with Pakistan and provide Kashmir with greater autonomy. Secondly, another round of economic reforms are needed similar to the successful 1991 reforms that resulted in an average GDP growth rate of 6 percent, one of the highest in the world over the last ten years.³⁷ This would provide a framework for new economic growth that, in the long run, would please all Indian voters. Finally, Vajpayee should take political advantage of Indian nationalism by continuing to make India a military, economic, and diplomatic power in Asia. All these options would help politically strengthen Vajpayee, and because these objectives are in concert with U.S. desires, cooperation with the U.S. to achieve them is possible. Consequently, an opportunity now exists for India to enter into serious peace negotiations with Pakistan and U.S. diplomacy can lead the way.

THE U.S. ROLE IN THE PEACE PROCESS

“Shed your anti-India mentality and take effective steps to stop cross-border terrorism, and you will find India willing to walk more than half the distance to work closely with Pakistan to resolve, through dialogue, any issue including the contentious issue of Kashmir.”³⁸

In his January 2002 Message to the Nation, Vajpayee once again extended an olive branch to Pakistan. It is now up to Musharraf to live up to his promises. The U.S. now has a unique opportunity to leverage off its relative good relations with both countries and bring Musharraf and Vajpayee to the table to begin laying the foundation for peace. Accordingly, U.S. diplomatic efforts should focus on three tenets.

First, the U.S. in conjunction with the U.N., should encourage Pakistan and India to accept a permanent cease-fire along the LOC with the understanding that future negotiations must take place that will address the eventual establishment of the LOC as the international border between the two countries.³⁹ Although formalizing the border along the LOC would likely be acceptable to Vajpayee, Musharraf may need additional time to solidify his political support base. The U.S. can assist by continuing its financial aid and economic support while also encouraging accelerated democratic reforms within the country.

Second, Musharraf will likely not be able generate Pakistani support for peace unless India accepts some blame for the Kashmiri conflict and demonstrates a willingness to grant greater autonomy to its Muslim residents in the disputed areas. The October 2002 general

elections in Kashmir are a step in the right direction; however, the U.S. should pressure India to go further and scale down its security forces in Kashmir and accept international observers to monitor human rights violations.

Third, U.S. diplomacy should encourage both countries to adopt common confidence and security-building measures (CSBM) that will help nurture a lasting trust between them. The goals of these measures should be to ensure that: cross-border insurgency into Kashmir has ceased and Pakistani militant training camps have been dismantled; permanent demilitarization of the LOC has occurred; and neither country is mobilizing forces, conventional or nuclear, against the other.

The remainder of this paper will address CSBMs and demonstrate how they can be effective tools to help reduce tensions within a region. Specifically, an aerial observation regime will be proposed as a viable alternative to alleviate long-standing mistrust between Pakistan and India.

ESTABLISHING TRUST THROUGH MUTUAL CSBM

As discussed, the foundation for a lasting peace between India and Pakistan must be based upon a mutual trust that eases suspicions regarding each other's military intentions. Time-tested and proven methods for generating trust among hostile nations are CSBMs. The goals of CSBMs are "to reduce or eliminate the causes of mistrust, fear, tension and hostilities with the ultimate objective of creating a climate where the most difficult issues can be resolved through negotiations."⁴⁰ They differ from arms control agreements in that they do not establish restrictions on the use or deployment of military force, nor do they limit weapons in terms of quantity or quality.⁴¹ Generally, CSBMs can be categorized into four areas; communications, constraint, transparency, and verification. Communication measures can help diffuse tensions by providing direct and reliable contact channels, or "hotlines," between state parties. Constraint measures are designed to keep opposing military forces at a distance from one another, especially along borders. Transparency measures attempt to create greater openness of military capabilities and activities, while verifications are designed to confirm state compliance with particular treaties or agreements.⁴²

HISTORY OF CSBMS IN SOUTH ASIA

Although CSBMs are typically thought of as a Cold War phenomenon designed to reduce East-West tensions,⁴³ the concept of CSBMs in South Asia is not new. In fact, the first CSBM between Pakistan and India can be traced back to the establishment of the Joint

Defense Council (JDC) in 1946. The JDC was comprised of British military officers who commanded Indian and Pakistani military forces and served as an informal hotline between ruling Pakistani and Indian leaders. Consequently, the JDC enabled direct negotiations to take place and helped broker a cease-fire during the first Kashmir war in 1947.⁴⁴ Since then, India and Pakistan have agreed to several CSBMs to include formal hotlines, agreements on prior notifications of major military exercises and ballistic missile tests, and border security measures.⁴⁵ The most recent high-level discussion of CSBMs occurred between Prime Ministers during the 1999 Lahore Summit with an aim towards averting the risk of nuclear war.⁴⁶ However, most CSBMs now in effect came about as a result of post-war negotiations or conflict de-escalation talks.⁴⁷ Consequently, the norm appears to be that neither country views CSBMs as a common diplomatic measure to address long-term relations.

Unfortunately, contrary to Cold War achievements, the success of these limited conflict de-escalation efforts in South Asia has been mediocre at best. Notifications by military leaders to their counterparts of troop movements and exercises occur on an irregular basis, and airspace violations by military aircraft are common. South Asian expert and author Michael Krepon attributes this failure to cultural impediments between the nations and claims, "CSBMs operate on a premise directly contrary to the predominant culture of adversarial politics found between India and Pakistan. In this bitter domain, any step that benefits an adversary must necessarily be bad for the home side."⁴⁸ Another reason for failure is that CSBMs have not been institutionalized into law; rather they have been routinely exploited or ignored by politicians, as they deem necessary for political advantage and not to solve problems.⁴⁹ Finally, CSBMs are routinely viewed by Pakistan and India as foreign imports and have been reluctantly accepted not because of their potential for peace, but rather as appeasement to foreign aid contributors.⁵⁰

Although CSBMs in Pakistan and India have had only limited success in the past, this does not mean that this peace option should be abandoned, or that they cannot work in the region. The one essential variable missing in prior attempts has been the lack of a long-term, mutual cooperation approach that fosters interaction between the military and diplomatic elements of each nation. Consequently, a different course should be considered. One that facilitates trust and confidence, satisfies security requirements, and cultivates relationship building between Pakistan and India's military and diplomatic institutions.

AERIAL OBSERVATION CSBMS

Specific CSBMs that promote communication, constraint, transparency, and verification between nations can take many forms. Technology can play a significant role in the form of simple ground movement sensors or night video surveillance cameras placed along borders to more advanced capabilities such as shared satellite imagery from foreign sources. These kinds of CSBM measures; however, can be costly and generally lack the human dimension that is essential to trust and confidence building. Hotlines can be effective, yet they typically are employed too late in a crisis when the confidence between nations has already been strained. From a security aspect, foreign inspectors can play an effective role in the monitoring of troop movements and ensuring mutual compliance with bilateral treaties or agreements; however, this requires nations to surrender some sovereignty in order to accommodate third party observers. India's bitter experience with the United Nations Security Council's handling of the Kashmir dispute during the early years of the Cold War generated a deep-seated aversion to external involvement in the resolution of bilateral disputes with Pakistan.⁵¹ Consequently, it is unlikely that in the near future India would agree to foreign monitoring. Regardless, foreign monitors do not generate the necessary interaction between opposing nations that is critical to effective confidence and security building.

The examples listed above highlight the fact that no "one size fits all" CSBM regime exists that is applicable to all nations. Each situation will be different and must be looked at from a geographical, cultural, cost, and political perspective. The remainder of this paper will focus on an aerial observation CSBM proposal modeled after the existing Open Skies Treaty. The advantage of this type of CSBM is that it addresses the human dimension, collaboration, cooperation, and confidence building that are essential building blocks for the creation of a lasting trust between India and Pakistan. This paper, however, does not suggest that India and Pakistan accede to the current treaty. The Open Skies Treaty was originally designed to provide transparency and security for its North American and European members and was intended to accommodate specific regional concerns. Consequently, there would be little incentive for India and Pakistan to join this regime. However, the basic elements of the treaty are transferable and can form the basis for a bilateral agreement between India and Pakistan with the potential for expansion throughout all of South Asia. The following joint 1997 statement from the U.S. Senate Committee on Armed Services to the U.S. Senate Committee on Foreign Relations best sums up the benefits of an Open Skies aerial observation regime for countries such as India and Pakistan.

“The Open Skies Treaty therefore represents the broadest international effort to date to promote openness and transparency of military forces and activities. Participating countries that lack sophisticated national means to monitor activities in other countries will benefit from the aerial monitoring and information sharing provisions of the Treaty. The Treaty seeks to establish a new standard in security relations between former enemies by asserting that states have an interest in conducting themselves in a manner that can withstand the scrutiny of their neighbors. At a time of heightened nationalistic assertiveness, the Treaty makes available an important new, confidence building measure to enhance international security.”⁵²

It is important to note that aerial observation regimes other than Open Skies are in effect today. Not willing to wait for formal ratification of the Open Skies Treaty, Hungary and Romania recognized the benefits of an aerial observation regime and in 1991 agreed to a bilateral treaty similar to Open Skies in order to help reduce the centuries of conflict and mistrust between the two nations.⁵³ In the Middle East, where tension levels are on par with (if not exceed) South Asia, several countries have accepted aerial observations CSBMs. For example, under the auspices of the U.N., aerial observation missions are conducted to compliment regular on-site inspections in accordance with the security provisions of the Egyptian-Israeli Peace Treaty.⁵⁴ The U.N. has also sponsored aerial observation missions over Lebanon and along the Iran-Iraq border to help ease tensions and verify military disengagement.⁵⁵ Although these observation regimes may lack technical sophistication and are procedurally more simplistic in nature than Open Skies, their successful track record over the last two decades highlights the fact that aerial observation CSBMs can be effective in reducing tensions between bitter rivals.

Following a brief background explanation on the origins of the treaty and its concept of operations, an aerial observation CSBM will be proposed for Pakistan and India that is tailored to the specific requirements and needs of the region.

OPEN SKIES TREATY BACKGROUND

President Dwight D. Eisenhower first proposed the idea of an Open Skies Treaty in 1955. Originally intended to be a bilateral agreement between the United States and the Soviet Union, it allowed for aerial observation over each nation's territory. Unfortunately, Soviet Premier Nikita Khrushchev, who was concerned that the United States would use Open Skies as a spy mechanism, subsequently rejected the proposition. In 1989, thirty-four years after

Eisenhower's initial proposal, President George Herbert Bush revived the idea of Open Skies; however, this time the United States presented the proposal in a multinational framework. This time, according to President Bush, the goal of Open Skies would be "to increase the transparency of both sides military activities and thereby strengthen the emerging cooperation between East and West and enhance the security of all participating states."⁵⁶ Soviet General Secretary Mikhail Gorbachev accepted the principle of an aerial observation regime and agreed to begin multinational negotiations on an Open Skies Treaty. Eventually agreed to and signed by the United States in Helsinki, Finland on March 24, 1992, the Open Skies Treaty has 27 original signatories which includes most North Atlantic Treaty Organization allies, Eastern European members of the former Warsaw Pact, the Russian Federation, Belarus, and Georgia. However, it wasn't until March of 2001 that the governments of Russia and Belarus finally ratified the Treaty, which has cleared the way for the Treaty's entry into force (EIF) and the commencement of Treaty observation missions that began in 2002.

CONCEPT OF OPERATIONS

For the purposes of this paper, a detailed explanation of the mechanics and specific operating procedures of the Open Skies Treaty is unnecessary. Instead, answers to general who, what, when, where and how questions will be presented in order to better understand the principal elements of this particular aerial observation CSBM. The purpose of this section is to help establish a framework from which India and Pakistan would then be able to negotiate a bilateral agreement that suits their own security needs without being bounded by the limitations and restrictions of the Open Skies Treaty. However, some aspects of an aerial observation regime are absolutely essential to sustaining the element of mutual trust and, thus, cannot be negotiable. These will be highlighted as they are addressed.

How Many Missions and How Much Territory Can Be Observed?

Under the treaty, each member nation is obligated to accept an annual quota of observation flights over its territory (passive missions) that can never exceed the number of flights a nation is authorized to conduct (active missions).⁵⁷ The total number of active missions is specifically identified for all members of the treaty and is generally proportionate to the size of a nation's territorial landmass. For example, the United States must accept up to 42 passive flights per year and has a treaty right to conduct up to 42 active flights over other treaty nations. Conversely, a much smaller nation such as Romania is only authorized six missions annually and is obligated to accept.⁵⁸ The proportional relationship between size of country and number

of authorized missions was seen as a fairness issue by the framers of the treaty thereby allowing a smaller country the ability to observe the same relative proportion of territory as a larger country.

Similar to the number of missions authorized, each nation is also restricted in the total distance that can be flown during a single mission and this distance, once again in the interest of fairness, is generally proportional to the size of the country. For example, the maximum distance that can be subjected to data gathering for the U.S. and Romania is 4,900 and 900 kilometers respectively per mission.⁵⁹

What Can Be Observed?

With regard to the conduct of observation missions, the treaty stipulates that there is no right of refusal for Open Skies overflights.⁶⁰ Only legitimate flight safety concerns can preempt the overflight of a particular area. An example of a safety of flight restriction might be an aircraft commander who elects not to fly an Open Skies aircraft into severe weather conditions that, in his mind, could put the aircraft and crew at risk. Otherwise, the entire territorial landmass of all member nations can be subjected to aerial overflights and data collection. For example, in the U.S. this would include all prohibited and special use airspace such as the White House, the Washington Capitol building, Nevada military testing ranges, all military bases, and major cities at any time during the day or night. For the purposes of this treaty as well as a proposed bilateral between India and Pakistan, it is absolutely essential that this provision remain non-negotiable. Imposing overflight restrictions for other than safety of flight considerations could set the stage for the treaty's demise in the future as each nation would likely counter an imposed overflight restriction with one of their own. It is important to remember that the primary purpose of the treaty is to promote trust and confidence and not for intelligence gathering. Excluding portions of one's country from overflight will only serve to raise the suspicions regarding the true intentions of the observing party.

What Sensors are Permitted?

In its current version, the treaty permits the use of four types of imaging sensors; optical panoramic and framing cameras, video cameras, infrared (IR) line-scanning devices, and sideways-looking synthetic aperture radar (SAR).⁶¹ Additionally, the treaty also limits the resolution achievable by each sensor. For example, optical and panoramic framing cameras are restricted to a 30-centimeter ground resolution, which is the minimum distance on the ground that two objects must be separated to be distinguishable as two separate objects. This

limitation was included in the treaty as a means of leveling the playing field for all member nations and not giving the more technologically advanced countries an edge. It also reduces intelligence-gathering opportunities. For example, a ground resolution of 30 centimeters will allow an observing nation to distinguish types of military platforms (i.e., F-16 versus F/A-18), but will not be able to determine specific platform modifications (i.e., F/A-18A versus an F/A-18C). Once again, the purpose of the treaty is not to enable one nation to collect intelligence data on another, but rather to establish a mutual trust and confidence regarding each other's military intentions.

What Types of Aircraft are Authorized?

The treaty stipulates that Open Skies aircraft must be unarmed and have a fixed wing (helicopters are not authorized).⁶² This provides each member nation with great latitude to choose an aircraft that meets individual cost and operational requirements. The U.S. utilizes an Air Force OC-135B (a converted WC-135 weather sampling aircraft). While this aircraft is costly to maintain and is too large to operate from some European designated Open Skies airfields, it does have the fuel endurance to conduct non-stop transits across the Atlantic and extended ranges with tanker support. This was obviously an essential requirement for the U.S. even though decision-makers were forced to sacrifice some airport access capability in order to accommodate it. For other countries such as Hungary and Romania that have no interest in crossing the Atlantic to conduct missions over the U.S., the Antonov 26 and 30 respectively are ideal platforms to meet their needs. Not only are they inexpensive to operate, but they are capable of operating from all European airfields as well. Specific aircraft recommendations for India and Pakistan will be discussed in greater detail below.

What is the Notification Period?

Another key element of the treaty is the requirement for the observing party to provide the observed state a three-day (72-hour) notice of its intention to conduct a mission.⁶³ The short-notice provision provides industry and military in the host nation an opportunity to conceal or curtail sensitive operations of national security or intelligence value, but is not enough time to hide large military operations. Moreover, after the commencement of a mission, the observing party will submit a mission plan (route of intended flight) no less than 24 hours prior to the stated take-off time.⁶⁴ Again, the host nation's ability to conceal large military operations along the planned route of flight is limited. The short-notice provisions were not intended to allow an

observing nation to retain the element of surprise; rather they were designed to enable the observing nation to monitor the overall status of deployed military forces.

Where and How is the Media Processed?

In accordance with the treaty, the observing nation has the right to process all media in either a facility in their own country or in the host nation's processing facility.⁶⁵ Either way, the treaty stipulates that representatives from both nations will be present during each step of the process from the unsealing of the film canisters to duplication of the final product.⁶⁶ Additionally, each participating nation, as well as any other treaty nation who requests it, will receive duplicate copies of all media.⁶⁷ This provision is key to fostering the openness of the treaty and further reduces the temptation to exploit the treaty for intelligence gathering purposes.

Open Skies: Confidence Building and Not Spying

Historically, aerial observations have been conducted by nations in order to acquire intelligence to gain tactical or strategic advantage over an adversary. From the use of reconnaissance balloons during the French revolution in 1793 to monitor battlefield positions to today's advanced satellites that can produce imagery with remarkable resolution, it is easily understandable how the concept of aerial observations can be perceived as a means of spying. And because of the far greater reach of air inspections over ground inspections, it is also understandable how aircraft that are intended to promote transparency and openness can also potentially provide targeting information for states with the means of exploiting it.⁶⁸ This holds true for the Open Skies Treaty as well. Based upon personnel experience, the initial reaction by most Americans when told that Russian and former Warsaw Pact nation's aircraft routinely fly over U.S. territory and collect imagery is one of shock and disbelief. Given that territorial sovereignty in the U.S. is a core belief of the American people, this reaction should not be surprising, nor should Americans be surprised that other nations express the same concern. Accordingly, the framers of the Treaty on Open Skies went to great lengths to ensure that this particular aerial observation regime is not construed as a spying mechanism.

First of all, the treaty requires that each member nation shall have the right to have flight monitors on board throughout the entire mission in order to ensure that no provisions of the treaty are violated.⁶⁹ These representatives will monitor all aspects of the mission from the loading of film in the cameras too the processing of the film in the media processing facility.

Second, the observed State Party has a treaty right to conduct a pre-flight inspection of the observing nation's aircraft and all its sensors prior to the commencement of the mission in

order to ensure that the aircraft is treaty compliant. Additionally, a demonstration flight over a fixed ground target may be requested to ensure that the resolution of the sensors is not greater than the treaty allows.⁷⁰

Third, the observed State Party has a treaty right to invoke the “taxi” option. That is, if the host nation has treaty compliance doubts about the observing nation’s aircraft, it has the right to require the observation nation to conduct the mission in the host nation’s aircraft.⁷¹

Finally, if at any time during the mission the host nation believes that the observing nation is not acting within the spirit and intent of the treaty, then they have the right to cancel the mission and submit a formal complaint to the Open Skies Consultative Commission (OSCC) in Vienna.⁷²

For a successful aerial observation regime to work in India and Pakistan, both nations must be convinced that the measures discussed above go to great lengths to eliminate the potential and temptation for abuse. Based upon the current levels of mistrust that exists between the nations, this would likely be a major challenge for U.S. diplomacy. Understanding conceptually the confidence and security building aspects of an aerial observation CSBM are absolutely critical to its eventual acceptance.

AN AERIAL OBSERVATION PROPOSAL FOR INDIA AND PAKISTAN

The aforementioned elements of the treaty and discussion helps establish a framework from which India and Pakistan can develop an aerial observation program suitable to their needs. The final section of this paper presents such an alternative. For reasons previously discussed, some provisions of any aerial observation regime are absolutely essential and, thus, are not negotiable. Others are proposed in the interests of fairness to both nations. The following presents recommended provisions that should be included in an Indian and Pakistani aerial observation CSBM:

- The overarching purpose of the aerial observation regime should be to enhance mutual confidence and security through an aerial observation regime that permits the collection of imagery in order to monitor conventional and nuclear military build-ups and movements along the LOC, within the territory of Kashmir, and over the entire territories of India and Pakistan.
- No overflight restrictions can be placed on any territory unless for strict safety of flight considerations.
- Complete and continuous participation and monitoring by members from both nations throughout all phases of a mission must be permitted.

- The agreed annual quota of missions and the maximum allowable observable distance flown per mission should be proportional to the relative size of each country.
- Each nation will provide at least a 72-hour notice prior to the commencement of a mission. The total duration of a mission will not exceed 96 hours.
- Both nations must have access to original or first-generation duplicates of all media products produced during a mission.
- Each nation must reserve the right to cancel a mission at any time if they believe that the agreement has been violated. If done so, the mission shall not count as a quota against either nation.

AIRCRAFT AND SENSOR SELECTION

The recommended provisions listed establish the core agreements from which an aerial observation CSBM can be achieved. The next major hurdle would be to come to an agreement on specific criteria for aircraft and sensor selection. The following recommendations are put forth that would enable India and Pakistan to effectively and efficiently address these two critical aspects of an aerial observation CSBM.

Aircraft Selection

Selection of a suitable aircraft to conduct aerial observation missions is probably the most critical decision India and Pakistan would have to make once the aerial observation CSBM is chosen. Variables such as procurement and operating costs, aircraft endurance and range, and seating capacity are a few of the major factors that must be considered. Ultimately, a nation will make its decision based upon its own set of criteria. For example, a helicopter might be an attractive option because of its hover capability that permits continuous coverage of a particular target area for an extended duration; however, a helicopter would also restrict the total amount of territory that could be observed during a single mission. Conversely, a fighter type aircraft offers extended ranges and speed, but would not have the seating capacity to include host nation representatives. In the case of Pakistan and India, the following general criteria are put forth as aircraft performance requirements necessary to effectively carry out aerial observation missions.

- Must be unarmed (no history of usage in an offensive capacity)
- Must be fixed-wing (no helicopters) and have ample endurance and range to inspect anywhere over the territories of India or Pakistan with minimal stops for refueling.

- Must have ample seating capacity to accommodate required aircrew and flight representatives from both nations.
- Must have carriage space to effectively employ sensors that permit the collection of required imagery.
- Employment or modification of existing assets in each nation's aircraft inventory is preferred in order to alleviate procurement costs.

Based upon these criteria, the best candidate for Pakistan and India are the Lockheed Martin C-130 and the Antonov-32 respectively.

PAKISTAN- LOCKHEED MARTIN C-130

Since the first production aircraft flew in April 1955, the Lockheed Martin C-130 has earned a worldwide reputation for its toughness and versatility. Flown by over 60 nations, the C-130 is currently serving in a multi-role capacity as a vehicle and troop carrier, paratroop and airborne supply delivery, airborne refueling, airborne early warning, maritime surveillance, and is the designated Open Skies aircraft for ten member nations of the Open Skies Treaty. As the mainstay of Pakistan's military heavy airlift role, the C-130E has been in the Pakistani Air Force inventory since 1963.

The single greatest advantage of selecting this type aircraft for the aerial observation mission is that the Pakistani Air Force currently owns twelve C130Es.⁷³ This option not only relieves Pakistan of aircraft procurement costs, but also avoids significant aircrew training and maintenance expenditures that would be associated with a new aircraft. Selecting an "in-house" alternative is also consistent with how Open Skies Treaty nations have selected their aircraft. In fact, of the twenty-seven member nations all have elected to modify an existing platform to fulfill the requirements of this mission.

As illustrated in Table 1, a second advantage of the C-130E is its performance characteristics. The C-130E has an un-refueled range of 2,046 NM's at airspeeds of 374 MPH. This would allow Pakistan to reasonably access the entire territory of India over the course of a 96-hour mission with only minimal stops for fuel. Additionally, the short-field takeoff and landing capability of the C-130E would enable Pakistan to access all but the smallest of airfields within India.

Max Speed	374 MPH/325 Ktas
Max Ceiling	33,000 Feet
Max Normal Takeoff Weight	155,000 LBS
Max Range *with 35,000 Payload	2,046 NM (3,791 Kilometers)
Max Fuel Weight	45,900 LBS
Average Takeoff Run	3,580 Feet
Average Landing Run	2,400 Feet

TABLE 1. GENERAL C-130E PERFORMANCE CHARACTERISTICS.⁷⁴

Third, the C-130E has ample seating capacity to not only accommodate required aircrew and inspectors from both nations, but would also be able to seat a cadre of ground maintenance personnel. Because host nations typically do not have the means of providing maintenance support for aircraft that are not in their inventory, the maintainers are essential components to the success of a mission. In fact, most Open Skies nations will bring their own maintenance support along during missions. For example, the U.S. will include fifteen OC-135B maintenance personnel on its teams during all missions. Another advantage to the large seating capacity of the C-130E is that even with maintenance personnel on board, there still is room left for diplomatic personnel to observe missions. This element may at first appear trivial; however, diplomatic involvement is absolutely essential to generating government support for the treaty. As discussed, the concept of aerial observations as a CSBM that can be difficult to comprehend and there is no better way of understanding the concept than by actually observing the process. In its desire to advance the Open Skies Treaty, the U.S. has gone to great lengths to include both U.S. State Department and foreign diplomatic representatives during its missions.

Fourth, the fact that ten Open Skies nations currently utilize the C-130 (commonly referred to as the Pod Group) is not only indicative of its suitability, but offers another advantage as well. The Pod Group of nations shares a “sensor pod” that is nothing more than a standard C-130 external fuel tank that hangs on the wing and has been reconfigured to carry a suite of cameras. In conjunction with the camera pod is a roll-on/roll-off console that provides for the monitoring of the cameras and visual route of flight tracking through a video camera also located in the pod. While the Pod Group initially entered into the agreement to share the pod as a cost saving measure, the real advantage of the system is that it is compatible with any C-130. Therefore, Pakistan would not have to solely dedicate one of its twelve aircraft specifically to this mission. Because the pod is transferable, any C-130 that is available would suffice.

Like the Pakistani C-130, the An-32 Sutej is the airlift workhorse of the Indian Air Force. Providing cargo and troop transport for military forces, India's inventory of 110 aircraft have been in service since the early 1980's.⁷⁵ Performance characteristics of the An-32 are listed in Table 2.

Max Speed	329 MPH/530 Ktas
Max Ceiling	26,000 Feet
Max Takeoff Weight	59,525 LBS
Max Range *with max fuel	1,079 NM (2,000 Kilometers)
Max Fuel Weight	12,125 LBS
Average Takeoff Run	2,495 Feet
Average Landing Run	1,545 Feet

TABLE 2. GENERAL AN-32 PERFORMANCE CHARACTERISTICS.⁷⁶

Advantages of the An-32 as an aerial observation platform are similar to the C-130 for Pakistan in most all respects. First, the ample number of aircraft in the Indian inventory makes it an attractive choice for cost purposes; however, some modification costs would likely be incurred in order to mount the required sensors on board. Second, the Antonov aircraft is already a proven performer for the aerial observation mission and is the Open Skies aircraft for the Ukraine, Hungary, the Czech Republic, and Romania. Third, the un-refueled range of 1,079 NM is more than adequate to cover the entire territory of Pakistan with limited refueling requirements, and its short-field takeoff and landing capabilities aircraft make it an ideal platform to operate from remote airfields if necessary. Fourth, although there is less seating capacity than a C-130, the An-32 has ample seating to accommodate all aircrew, maintenance personnel, flight representatives and diplomatic observers.

Sensor Selection

As previously discussed, the Treaty on Open Skies not only restricts the types of sensors allowed, but also puts limits on the quality (or resolution) of the processed images. While some proponents of maximum openness and transparency might argue that there should be no limits on sensors or resolution, this logic ignores the reality that for aerial an observation regime to work, a perception of fairness must exist among all participants. That is, provisions must be established that permits an equal opportunity for all participants to collect data of the same quality and intelligence value. For example, the Open Skies Treaty stipulates that

authorized sensors must be commercially available.⁷⁷ This provision assures equal access for all member nations and restricts more technically advanced nations from employing sensors that are unfamiliar and, therefore, could raise suspicions among other member nations. In the interest of fairness, the following recommended provisions are provided regarding sensor selection for Pakistan and India.

- Data collection should be limited to optical framing cameras, Infrared, and video recorders only. Because of tampering potential, digital technology should not be utilized.
- Resolution should be restricted to 30 centimeters for optical and video cameras and 50 centimeters for Infrared.
- Sensors should be commercially available and access to all performance and maintenance documentation shall be easily attainable.
- All sensors shall be provided with aperture covers or other devices that inhibit operation while transiting to and from the point of origin of a mission. Such covers or devices shall be removable or operable only from the outside in order to verify that cameras cannot be operated during transit times.⁷⁸

India and Pakistan currently have reconnaissance aircraft in their respective Air Forces that utilize sensors consistent with the criteria listed above. For example, the Pakistani Dassault Mirage IIIRP and the Indian MIG-25R Foxbat both use optical framing and panoramic cameras that are commercially available and adequate for day or night use.^{79 80} Consequently, neither nation would have to purchase new equipment in order to effectively execute an aerial agreement.

INTERNATIONAL ASSISTANCE

The alternative presented provides an opportunity for Pakistan and India to enter into an aerial observation agreement at minimal costs and with maximum potential for success. Although this paper has discussed why it would be to their advantage to do so, it would be unlikely that India and Pakistan would be able to come to terms on an agreement without some outside assistance. Therefore, the following addresses how the international community can play a role in providing administrative, education and training, and financial assistance in order to entice Pakistan and India to begin the process.

Bilateral Agreement Administration

The preamble of the Open Skies Treaty recognizes the potential contribution which an aerial observation regime can make to the security and stability of other regions and

encourages the expansion of aerial observation regimes outside of the existing Open Skies Treaty framework.⁸¹ Consequently, the Open Skies Consultative Commission (OSCC) in Vienna, Austria, which is responsible for administering the Open Skies Treaty, would be an ideal candidate to mediate an agreement between Pakistan and India. This body not only has the expertise and resources necessary, but also can draw on the twenty-seven member nations of the Open Skies Treaty for assistance if needed. Moreover, because the OSCC is an international body, the perception that the U.S. is exerting its “superpower” pressure for India and Pakistan to cooperate can be avoided.

Education and Training

Teaching the procedures and methods by which an aerial observation mission is conducted is an essential element. The OSCC can and should play a significant role in this area. A logical first step to introduce Pakistan and India to the aerial observation concept should be to invite representatives from both countries to observe existing Open Skies missions either in the U.S. or in Europe. This approach is not new. Since 1996, several members of the Organization for Security and Cooperation in Europe (OSCE) who are also members of the Open Skies Treaty have promoted the idea of a cooperative aerial observation program in Bosnia between the Federation of Bosnia and the Republic of Srpska. Accordingly, Bosnian representatives have been included in several missions to observe and familiarize themselves with the process.⁸²

This course of action would not only ease Pakistani and Indian apprehensions and suspicions, but could also serve as an initial training program for future Indian and Pakistani operators. Ideally, following the introductory period, an extended training program between Pakistani and Open Skies Pod Group members would be enacted in order to provide Pakistani operators with specific C-130 training while Indian operators would train with Open Skies nations that operate the Antonov aircraft.

Finally, in order to complete the training process, some training missions should take place within the South Asian region. This would not only provide for more realistic training, but could also serve to introduce the aerial observation mission to additional diplomatic and military representatives. Unfortunately, this approach would likely be cost prohibitive for C-130 and AN-30 Open Skies member nations; however, the U.S. could offer its OC-135B in substitute. The OC-135B is more than capable of transiting and operating out of larger airfields in Pakistan and India.

Financial Assistance

Although the proposed alternative goes to great lengths to minimize the overall costs of an aerial observation regime for Pakistan and India, there would be some costs that are unavoidable. For example, the manufacturing of an external sensor pod and an internal roll-on/roll-off monitoring system for the Pakistani C-130, and the modification of one or, possibly, two Indian An-32s to accommodate a camera and video package would be expensive. Moreover, travel cost for Indian and Pakistani representatives to train with Open Skies member nations and conducting U.S. OC-135 missions in South Asia will also add to these costs. The U.S., however, must be prepared to foot all or some of this bill. When viewed in the context of the billion dollars in aid and assistance the U.S. is already providing India and Pakistan, the overall costs of aerial observation regime would pale in comparison; especially when considering the immense opportunity for return on investment.

A FIRST STEP

History has shown that when it comes to nation's entering binding treaties, the wheels of diplomacy generally turn very slowly. In fact, it took ten years from the time President Bush reintroduced the idea of an Open Skies Treaty in 1992 to the time the Russian Duma finally ratified it 2001. For India and Pakistan, even if they were successful in negotiating a bilateral aerial observation agreement, the time required to procure or modify aircraft and adequately train operators would be significant. Unfortunately, the volatile situation that exists in Kashmir today will likely not wait for the respective governments to ratify a treaty. Meaningful and effective diplomacy must begin today. As demonstrated by Romania and Hungary when they adopted their own bilateral aerial observation agreement because they could not afford to wait for ratification of the Open Skies Treaty, necessity must take precedence over diplomatic bureaucracy.

Consequently, as previously discussed, U.S. diplomatic efforts should encourage India and Pakistan to work towards diffusing tensions in Kashmir by mediating an agreement for an immediate withdrawal of troops along the LOC, reducing Indian security forces within Indian Kashmir, and insisting that Pakistan curtail its support of cross border Islamic militants. Agreeing to these measures may not permanently solve the Indian and Pakistani conflict outright, but would at least generate some stability within the region until longer-term diplomacy efforts can take hold.

Therefore, in conjunction with negotiations on a comprehensive and permanent aerial observation agreement, the U.S. might also propose an interim aerial observation measure

designed specifically for Kashmir in order to verify compliance with de-escalation measures. More specifically, the U.S. could offer its own Open Skies aircraft to conduct missions over Kashmir with representatives from India and Pakistan on board to verify the withdraw of soldiers along the LOC and to monitor borders for crossing violations. Additionally, the U.S. could compliment this effort with satellite imagery as another verification means. Between these two collection methods and a willing and impartial U.S. diplomatic effort, there would be ample proof of compliance that would mitigate any suspicions by either party.

The benefits of the suggested interim aerial observation proposal are twofold. First, it would offer an introduction to and familiarity with aerial observation regimes and, therefore, help smooth the way towards a more comprehensive and permanent treaty in the future. Second, and more importantly, it would provide an effective verification tool that would deliver irrefutable evidence of Pakistan and India's willingness to resolve the Kashmir dispute not only to each other, but to the rest of the international community as well. In the end, U.S. and international diplomacy may be able to bring the parties to the table, but ultimately it will be up to India and Pakistan to decide between taking a serious first step towards a lasting peace, or continue to live under the very real threat of war and possible mutual nuclear annihilation.

CONCLUSION

This paper surmises that a window of opportunity now exists for the U.S. to intervene diplomatically in order to resolve the longstanding dispute between India and Pakistan over Kashmir. Although peace can never be guaranteed, the combination of each nation's national interests, political will, and the potential for brighter economic futures has created a possibility for peace in the region. With relatively good relations with both countries, the U.S. is in a position to facilitate the peace process.

In order to create the conditions for a lasting peace, the process must be addressed at every level. No single solution will bring peace to Kashmir, rather a multiple approach that links peace to financial aid, economic prosperity, internal security, and enhanced international standing should be pursued. Ultimately, the desired endstate should be a new founded confidence and trust between India and Pakistan.

The confidence and security-building aspects of the Treaty on Open Skies provides an outstanding opportunity for India and Pakistan to start building a relationship based upon mutual trust. Cooperation and openness between political and military counterparts across the border are key elements of this treaty and, if successful, could serve as a springboard for future

security building agreements. This paper has proposed a framework from which India and Pakistan can enter into an aerial observation agreement.

WORD COUNT = 11,154

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